

ORDINANCE NO. 95- 63

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED, MODIFYING PAGE 57 OF THE FUTURE LAND USE ATLAS BY CHANGING A PARCEL OF LAND OF APPROXIMATELY 34 ACRES GENERALLY LOCATED AT THE WESTERN END OF STACY STREET, FROM HIGH RESIDENTIAL 12 (HR-12) TO HIGH RESIDENTIAL 8 (HR-8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, Palm Beach County and the Town of Haverhill entered into an interlocal agreement to prepare a neighborhood plan for the Haverhill area in March 1991; and

WHEREAS, Palm Beach County enacted the Haverhill Area Neighborhood Plan (HANP) as a policy guide in Resolution No. 92-1622; and

WHEREAS, the HANP identified the Palm Beach County Comprehensive Plan land use designation of HR-12 (12 units per acre) on Stacy Street as incompatible with surrounding residential densities in the Town of Haverhill; and

WHEREAS, the HANP recommended that the density along Stacy Street in the Palm Beach County Comprehensive Plan be reduced; and

WHEREAS, the Board of County Commissioners finds the current land use designation of HR-12 regarding the property that is the subject of this amendment, is not suitable for the subject property and is not compatible with adjacent land uses; and



1           **WHEREAS**, the Board of County Commissioners finds that the land  
2 use density contained in this Ordinance is suitable for the subject  
3 property and is compatible with adjacent land uses; and

4           **WHEREAS**, the Palm Beach County Local Planning Agency conducted  
5 a public hearing on June 23, June 30, July 14 and July 28, 1995, to  
6 review the proposed amendments to the Palm Beach County  
7 Comprehensive Plan and made recommendations regarding the proposed  
8 amendments to the Palm Beach County Board of County Commissioners  
9 pursuant to Chapter 163, Part II, Florida Statutes; and

10           **WHEREAS**, the Palm Beach County Board of County Commissioners,  
11 as the governing body of Palm Beach County, conducted a public  
12 hearing pursuant to Chapter 163, Part II, Florida Statutes, on July  
13 26 and August 15, 1995, to review the recommendations of the Local  
14 Planning Agency, whereupon the Board of County Commissioners  
15 authorized transmittal of proposed amendments to the Department of  
16 Community Affairs for review and comment pursuant to Chapter 163,  
17 Part II, Florida Statutes; and

18           **WHEREAS**, Palm Beach County received on November 6, 1995, the  
19 Department of Community Affairs "Objections, Recommendations, and  
20 Comments Report," dated November 2, 1995, which was the  
21 Department's written review of the proposed Comprehensive Plan  
22 amendments; and

23           **WHEREAS**, on December 1, 1995, the Palm Beach County Local  
24 Planning Agency held a public meeting to review the written  
25 comments submitted by the Department of Community Affairs, the  
26 Planning Division's response to the written comments, and to make  
27 recommendations regarding adoption of the Comprehensive Plan  
28 amendments; and

29           **WHEREAS**, on December 6 and December 12, 1995, the Palm Beach  
30 County Board of County Commissioners held a public hearing to  
31 review the written comments submitted by the Department of  
32 Community Affairs and to consider adoption of the amendments; and

33           **WHEREAS**, the Palm Beach County Board of County Commissioners  
34 has determined that the amendments as modified satisfy the concerns



1 addressed in the Department of Community Affairs' "Objections,  
2 Recommendations and Comments Report" and comply with all  
3 requirements of the Local Government Comprehensive Planning and  
4 Land Development Regulations Act.

5 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
6 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

7 Part I. Amendment to the Future Land Use Atlas of the Land  
8 Use Element of the 1989 Comprehensive Plan

9 An Amendment to the Land Use Element's Future Land Use Atlas  
10 is hereby adopted and is attached to this Ordinance in Exhibit 1.

11 A. Future Land Use Atlas page 57 is amended as follows:

12 Application No.: 95-57 RES 1

13 Amendment: From High Residential 12 (HR-12) to  
14 High Residential 8 (HR-8)

15 General Location: Western one third of the Plat of  
16 Haverhill Acres

17 Size: 34 acres

18 Part II. Repeal of Laws in Conflict

19 All local laws and ordinances applying to the unincorporated  
20 area of Palm Beach County in conflict with any provision of this  
21 ordinance are hereby repealed to the extent of such conflict.

22 Part III. Severability

23 If any section, paragraph, sentence, clause, phrase, or word  
24 of this Ordinance is for any reason held by the Court to be  
25 unconstitutional, inoperative or void, such holding shall not  
26 affect the remainder of this Ordinance.

27 Part IV. Inclusion in the Code of Laws and Ordinances

28 The provision of this Ordinance shall become and be made a  
29 part of the code of laws and ordinances of Palm Beach County,  
30 Florida. The Sections of the Ordinance may be renumbered or  
31 relettered to accomplish such, and the word "ordinance" may be  
32 changed to "section," "article," or any other appropriate word.



1                    Part V.    Effective Date

2                    The effective date of this plan amendment shall be the date a  
3                    final order is issued by the Department of Community Affairs or  
4                    Administration Commission finding the amendment in compliance in  
5                    accordance with Section 163.3184, Florida Statutes, whichever  
6                    occurs earlier. No development orders, development permits, or  
7                    land uses dependent on this amendment may be issued or commence  
8                    before it has become effective. If a final order of noncompliance  
9                    is issued by the Administration Commission, this amendment may  
10                    nevertheless be made effective by adoption of a resolution  
11                    affirming its effective status, a copy of which resolutions shall  
12                    be sent to the Department of Community Affairs, Bureau of Local  
13                    Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.





EXHIBIT 1

Future Land Use Atlas page 57 is amended as follows:

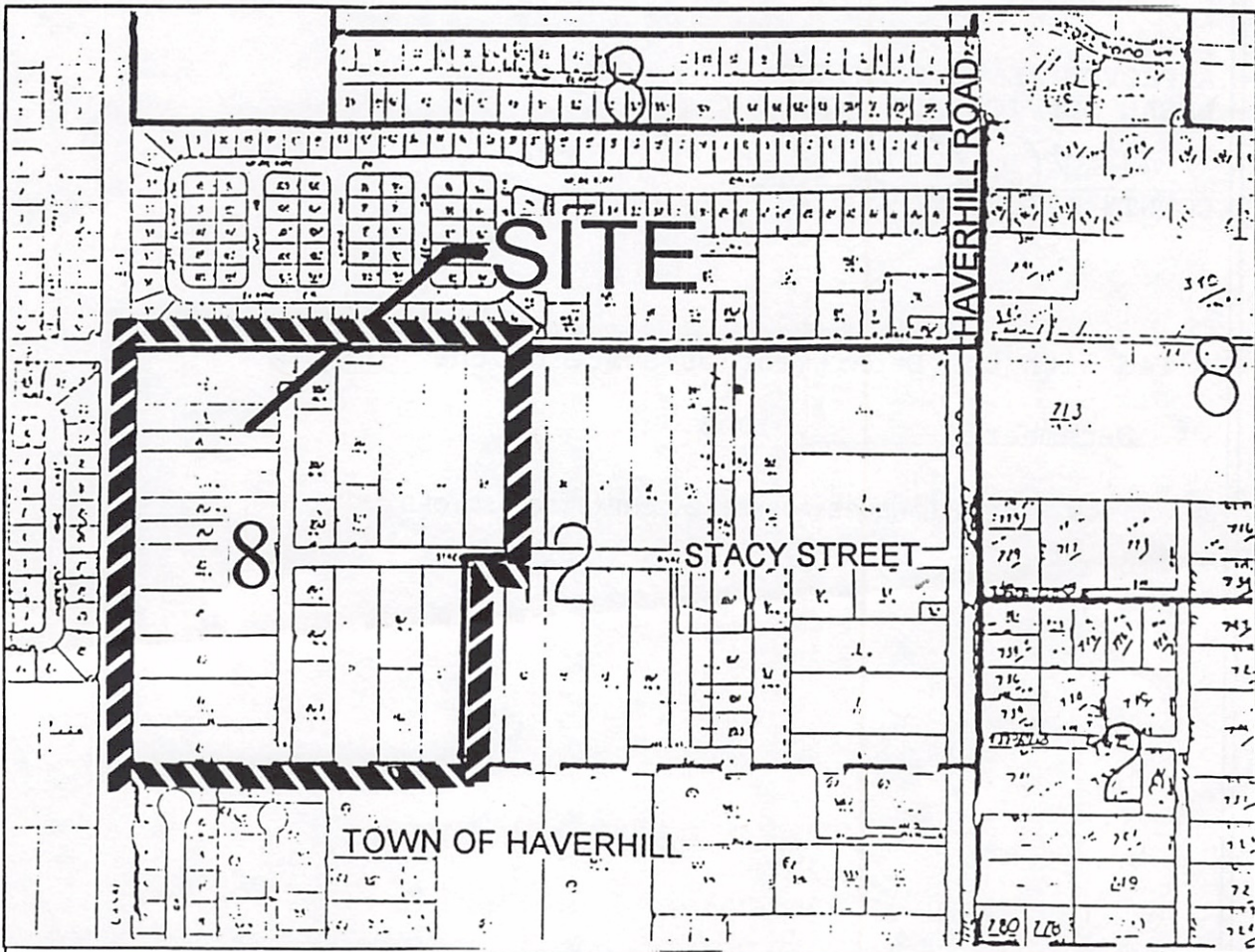
Application No.: 95-57 RES 1

Amendment: From High Residential 12 (HR-12) to High Residential 8 (HR-8)

General Location: Western one third of the Plat of Haverhill Acres

Size: 34 acres

Legal Description: Lots 17 to 34, inclusive, Plat of Haverhill Acres, Plat Book 20, Page 75.



STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on 12/12/95  
DATED at West Palm Beach, FL on 12/28/95  
DOROTHY H. WILKEN, Clerk  
By: Phyllis A. House D.C.